

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher Anderson	Team: Squad #11	CCRB Case #: 201708258	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 10/06/2017 6:00 AM	Location of Incident: [REDACTED]	Precinct: 49	18 Mo. SOL 4/6/2019	EO SOL 4/6/2019	
Date/Time CV Reported Fri, 10/06/2017 2:02 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 10/06/2017 2:02 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 John Cutrona	01554	918908	WARRSEC
2. DT2 Daniel Robbins	03076	927426	WARRSEC
3. DT3 Sean Wolfenhaut	7789	947612	WARRSEC
4. DT3 Eric Healy	6774	947069	WARRSEC
5. DT3 Jason Wolfenhaut	03363	937749	WARRSEC
6. DT3 Anthony Romero	6869	940669	WARRSEC
7. Officers			WARRSEC
8. An officer			WARRSEC

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Michael Gersch	4593	933801	049 DET
2. DT3 Pedro Gomez	1207	936676	WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.DT3 John Cutrona	Abuse: Detective John Cutrona entered § 87(2)(b) in the Bronx.	[REDACTED]
B.DT2 Daniel Robbins	Abuse: Detective Daniel Robbins entered § 87(2)(b) in the Bronx.	[REDACTED]
C.DT3 Eric Healy	Abuse: Detective Eric Healy entered § 87(2)(b) in the Bronx.	[REDACTED]
D.DT3 Jason Wolfenhaut	Abuse: Detective Jason Wolfenhaut entered § 87(2)(b) in the Bronx.	[REDACTED]
E.DT3 Sean Wolfenhaut	Abuse: Detective Sean Wolfenhaut entered § 87(2)(b) in the Bronx.	[REDACTED]
F.DT3 Anthony Romero	Abuse: Detective Anthony Romero entered § 87(2)(b) in the Bronx.	[REDACTED]
G.DT3 John Cutrona	Abuse: Detective John Cutrona searched § 87(2)(b) in the Bronx.	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
H.DT2 Daniel Robbins	Abuse: Detective Daniel Robbins searched § 87(2)(b) in the Bronx.	
I.DT3 Sean Wolfenhaut	Abuse: Detective Sean Wolfenhaut searched § 87(2)(b) in the Bronx.	
J.DT3 Eric Healy	Abuse: Detective Eric Healy searched § 87(2)(b) in the Bronx.	
K.DT3 Jason Wolfenhaut	Abuse: Detective Jason Wolfenhaut searched § 87(2)(b) in the Bronx.	
L.DT3 Anthony Romero	Abuse: Detective Anthony Romero searched § 87(2)(b) in the Bronx.	
M.DT3 Anthony Romero	Discourtesy: Detective Anthony Romero spoke discourteously to § 87(2)(b)	
N.DT3 John Cutrona	Discourtesy: Detective John Cutrona spoke discourteously to § 87(2)(b)	
O. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
P. Officers	Abuse: Officers refused to provide their shield numbers to § 87(2)(b)	

Case Summary

On October 6, 2017, § 87(2)(b) called the CCRB to file this complaint.

On October 6, 2017, at approximately 6:00 a.m., Det. John Cutrona, Det. Daniel Robbins, and Det. Eric Healy of the Warrants Section Bronx Violent Felony Squad (VFS), along with Det. Sean Wolfenhaut, Det. Jason Wolfenhaut, and Det. Anthony Romero of the Warrants Section Bronx Joint Apprehension Warrant Squad (JAWS), entered and searched

§ 87(2)(b) in the Bronx (**Allegations A through F -Abuse of Authority: Entry of premises, § 87(2)(g)** (**Allegations G through L -Abuse of Authority: Search of premises, § 87(2)(g)** While inside the apartment, Det. Romero allegedly asked § 87(2)(b) “Who’s in the fucking room with you?” (**Allegation M -Discourtesy: Word, § 87(2)(g)**

Det. Cutrona allegedly spoke with § 87(2)(b) and said, “You want to be an asshole? Forget it” (**Allegation N -Discourtesy: Word, § 87(2)(g)** During the incident, § 87(2)(b) requested the shield numbers of multiple officers, two of whom refused to provide them (**Allegation O -Abuse of Authority: Refusal to provide shield number, § 87(2)(g)**). The officers left the location after arresting both § 87(2)(b) and another occupant of the apartment, § 87(2)(b)

§ 87(2)(b) recorded video footage of a portion of this incident and provided this footage to the CCRB.

This case was initially assigned to Inv. John Butler and reassigned on November 23, 2018.

Findings and Recommendations

Allegation (A) Abuse of Authority: Detective John Cutrona entered § 87(2)(b) in the Bronx.

Allegation (B) Abuse of Authority: Detective Daniel Robbins entered § 87(2)(b) in the Bronx.

Allegation (C) Abuse of Authority: Detective Eric Healy entered § 87(2)(b) in the Bronx.

Allegation (D) Abuse of Authority: Detective Jason Wolfenhaut entered § 87(2)(b) in the Bronx.

Allegation (E) Abuse of Authority: Detective Sean Wolfenhaut entered § 87(2)(b) in the Bronx.

Allegation (F) Abuse of Authority: Detective Anthony Romero entered § 87(2)(b) in the Bronx.

Allegation (G) Abuse of Authority: Detective John Cutrona searched § 87(2)(b) in the Bronx.

Allegation (H) Abuse of Authority: Detective Daniel Robbins searched § 87(2)(b) in the Bronx.

Allegation (I) Abuse of Authority: Detective Sean Wolfenhaut searched § 87(2)(b) in the Bronx.

Allegation (J) Abuse of Authority: Detective Eric Healy searched § 87(2)(b) in the Bronx.

Allegation (K) Abuse of Authority: Detective Jason Wolfenhaut searched

§ 87(2)(b) in the Bronx.

Allegation (L) Abuse of Authority: Detective Anthony Romero searched

§ 87(2)(b) in the Bronx.

It is undisputed that Det. Cutrona, Det. Robbins, Det. Healy, Det. Sean Wolfenhaut, Det. Jason Wolfenhaut, and Det. Romero entered and searched § 87(2)(b) in the Bronx.

§ 87(2)(b) stated to the CCRB (Board Review 01) that he was awoken by the sound of knocking on the entry door of the apartment, his home. An individual outside the closed door identified himself as an officer, and § 87(2)(b) opened the door. An officer informed § 87(2)(b) that the officers possessed a warrant for his arrest. § 87(2)(b) replied, “Okay, hold on,” turned away from the door, left it open, and walked into the apartment interior with the intent of dressing himself and exiting the location with the officers.

In the totality of the statements provided to the CCRB by § 87(2)(b) (Board Review 02), § 87(2)(b) (Board Review 03), and § 87(2)(b) (Board Review 04), they accounted for officers entering the apartment, entering its bedrooms, looking inside closets, and looking inside a four-foot-tall kitchen cabinet.

Det. Pedro Gomez, who was not present at § 87(2)(b) during the incident, stated to the CCRB (Board Review 05) that he was the officer investigating the case involving § 87(2)(b) for whom a perpetrator Investigation Card (I-Card) with probable cause to arrest was obtained. During this investigation, Det. Gomez conducted database searches that revealed that during a prior arrest, § 87(2)(b) had contacted § 87(2)(b) who was listed as his girlfriend and who resided at § 87(2)(b). A search for active warrants associated with this location revealed that § 87(2)(b) had an active bench warrant issued approximately four months prior.

Det. Cutrona (Board Review 06) and Det. Robbins (Board Review 07) stated to the CCRB that officers looked in different sections of the apartment where a person may hide in order to ensure the officers’ safety while inside the apartment. Det. Cutrona described these actions as typical when officers effect an arrest warrant in a home. Det. Jason Wolfenhaut (Board Review 08), Det. Sean Wolfenhaut (Board Review 09), Det. Healy (Board Review 10), and Det. Romero (Board Review 11) all acknowledged entering and moving within the apartment but did not elaborate on the extent of any searches performed.

§ 87(2)(b) was named in the Arrest Warrant associated with docket number § 87(2)(b) and lists § 87(2)(b) s address as § 87(2)(b) (Board Review 12). § 87(2)(b) was named as a perpetrator with probable cause to arrest him in I-Card number § 87(2)(b) (Board Review 13). The Apprehension Completed DD5 that Det. Gomez prepared (Board Review 14) notes that the officers who entered the location in this incident located § 87(2)(b) as the result of a security sweep.

Officers have the right to conduct a security check of premises where they are legally present to search for other persons who may pose a threat to the safety of the officers present. People v. Green, 103 A.D.2d 362 (Board Review 15).

§ 87(2)(g)

§ 87(2)(g)

Allegation (M) Discourtesy: Detective Anthony Romero spoke discourteously to § 87(2)(b)

Allegation (N) Discourtesy: Detective John Cutrona spoke discourteously to § 87(2)(b)

Allegation (O) Discourtesy: An officer spoke discourteously to § 87(2)(b)

Allegation (P) Abuse of Authority: Officers refused to provide their shield numbers to

§ 87(2)(b)

§ 87(2)(b) stated that after Det. Romero entered the apartment, he asked her, “Who’s in the fucking room with you?” Later in the incident, § 87(2)(b) spoke with officers about their possession of a warrant or warrants. During this interaction, Det. Cutrona told her, “Forget it. You want to be an asshole?” Another officer told her, “I already

All of the officers interviewed in this case who were present for this portion of the incident either denied using profanity towards any civilian during the incident, denied hearing any officer do so, or both.

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- This is the second CCRB complaint to which § 87(2)(b) has been a party (Board Review 16). § 87(2)(b)
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 17).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 18).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 19).
- Det. Romero has been a member-of-service for 13 years and has been a subject in nine CCRB complaints and 15 allegations, one of which was substantiated. § 87(2)(g)
 - In 201405128, an Abuse – Search (of person) allegation was substantiated. The Board recommended Instructions, and the NYPD imposed Formalized Training.
- Det. Healy has been a member-of-service for ten years and has been a subject in eight CCRB complaints and 14 allegations, two of which were substantiated. The prior allegations against Det. Healy do not suggest a pattern pertinent to this case.
 - In 201403575, Abuse – Frisk and Abuse – Stop allegations were substantiated. The Board recommended Command Discipline B, and the NYPD imposed Command Discipline A.
- Det. Sean Wolfenhaut has been a member-of-service for ten years and has been a subject in three CCRB complaints and three allegations, none of which were substantiated. § 87(2)(g)
- Det. Jason Wolfenhaut has been a member-of-service for 14 years and has been a subject in five CCRB complaints and ten allegations, none of which were substantiated. § 87(2)(g)
- Det. Cutrona has been a member-of-service for 21 years and has been a subject in three CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This case was not suitable for mediation.
- On February 15, 2019, a Notice of Claim inquiry was sent to the NYC Office of the Comptroller, and the results will be added to the case file upon receipt (Board Review 20).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date